

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

Harry G. Beyoglides, Jr.,
Special Administrator of the
Estate of Robert Andrew
Richardson, Sr., Deceased,
Plaintiff,

vs.

Case No. 3:14-CV-00158

Phil Plummer/Montgomery County
Sheriff, et al.,
Defendants

- - -

DEPOSITION OF BRIAN CONLEY

the Defendant herein, called by the Plaintiff under the
applicable Rules of Civil Procedure, taken before me,
Whitney Layne, a Notary Public for the State of Ohio, at
the law firm of Dinkler & Pregon, 5335 Far Hills Avenue,
Suite 117, Dayton, Ohio 45429 on November 18, 2015 at
1:00 p.m.

LAYNE & ASSOCIATES
6723 COOPERSTONE DRIVE
DUBLIN, OHIO 43017
614-309-1669

<p>1 APPEARANCES</p> <p>2</p> <p>3 NICHOLAS DICELLO, ESQUIRE</p> <p>4 SPANGENBERG, SHIBLEY & LIBER</p> <p>5 1001 Lakeside Avenue</p> <p>6 Suite 1700</p> <p>7 Cleveland, Ohio 44114</p> <p>8 on behalf of the Plaintiff</p> <p>9</p> <p>10 JAMEY PREGON, ESQUIRE</p> <p>11 DINKLER & PREGON</p> <p>12 5335 Far Hills Avenue</p> <p>13 Suite 123</p> <p>14 Dayton, Ohio 45429</p> <p>15 on behalf of the Sheriff</p> <p>16 Defendants</p> <p>17</p> <p>18 CARRIE STARTS, ESQUIRE</p> <p>19 REMINGER CO., LPA</p> <p>20 525 Vine Street</p> <p>21 Suite 1700</p> <p>22 Cincinnati, Ohio 45202</p> <p>23 on behalf of the Defendants</p> <p>24 NaphCare, Inc., Nurse Felicia Foster,</p> <p>25 Nurse Jon Boehringer, Nurse Krisandra</p> <p>26 Miles, Medic Steven Stockhauser,</p> <p>27 and Brenda Garrett Ellis, M.D.</p> <p>28</p> <p>29 MARY MONTGOMERY, ESQUIRE</p> <p>30 TODD AHEARN, ESQUIRE</p> <p>31 ASSISTANT PROSECUTING ATTORNEY</p> <p>32 301 West Third Street</p> <p>33 4th Floor</p> <p>34 Dayton, Ohio 45422</p> <p>35 on behalf of the Defendant</p> <p>36 Montgomery County Sheriff's</p> <p>37 Office</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>Page 2</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 BRIAN CONLEY</p> <p>4 BY MR. DICELLO.....Page 5</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 4</p>
<p>1 November 18, 2015</p> <p>2 Wednesday Session</p> <p>3 1:00 p.m.</p> <p>4 - - -</p> <p>5 STIPULATIONS</p> <p>6</p> <p>7 It is stipulated by and among counsel for the</p> <p>8 respective parties that the deposition of BRIAN CONLEY,</p> <p>9 the Defendant herein, called by the Plaintiff under the</p> <p>10 applicable Rules of Civil Procedure, may be taken at this</p> <p>11 time by the notary Whitney Layne; that said deposition may</p> <p>12 be reduced to writing in stenotypy by the notary, whose</p> <p>13 notes thereafter may be transcribed out of the presence of</p> <p>14 the witness; and that the proof of the official character</p> <p>15 and qualification of the notary is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 3</p>	<p>1 BRIAN CONLEY</p> <p>2 Being first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Good afternoon. Can you please start with</p> <p>7 introducing yourself and providing your name for the court</p> <p>8 reporter?</p> <p>9 A My name is Brian Conley.</p> <p>10 Q And how do you spell Conley?</p> <p>11 A C-O-N-L-E-Y.</p> <p>12 Q Detective Conley?</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. Detective, my name is Nick DiCello. We</p> <p>15 met briefly off the record. You understand you're here to</p> <p>16 have your deposition taken?</p> <p>17 A Yes, sir.</p> <p>18 Q Ever been deposed before?</p> <p>19 A Not like this, no. Not like this.</p> <p>20 Q I'll go through some rules. Everything we say</p> <p>21 is being taken down by the court reporter. So we have to</p> <p>22 be careful not to speak over one another, okay?</p> <p>23 A Okay.</p> <p>24 Q Just as you did now, all of your answers have</p> <p>Page 5</p>

<p>1 to be verbal; yes, no, or words, as opposed to shrugs or</p> <p>2 huh-uhs or uh-huhs, okay?</p> <p>3 A Okay.</p> <p>4 Q I want you to only answer questions that you</p> <p>5 understand. So if you don't understand a question, I want</p> <p>6 you to let me know that.</p> <p>7 A Okay.</p> <p>8 Q If you answer a question I asked, I'm going to</p> <p>9 assume you understood it. Is that fair?</p> <p>10 A Yes.</p> <p>11 Q If you need to take a break at any time --</p> <p>12 Sometimes these things are quick, sometimes they take a</p> <p>13 long time, it's hard for me to predict. But if you want</p> <p>14 to take a break at any time for any reason, just go ahead</p> <p>15 and do it. I would just ask that if a question is</p> <p>16 pending, answer the question and then we can take a break,</p> <p>17 okay?</p> <p>18 A Okay.</p> <p>19 Q You understand you're under oath today?</p> <p>20 A Yes.</p> <p>21 Q Have you ever testified in court before?</p> <p>22 A Yes.</p> <p>23 Q So you understand the oath you're under today</p> <p>24 is the same kind of oath that you're under when you're</p> <p style="text-align: right;">Page 6</p>	<p>1 Q How long have you been a detective with the</p> <p>2 Montgomery County Sheriff's Office, sir?</p> <p>3 A Approximately four years.</p> <p>4 Q Prior to becoming a detective, what was your</p> <p>5 position?</p> <p>6 A I was just a uniformed deputy.</p> <p>7 Q On road patrol?</p> <p>8 A Yes, sir.</p> <p>9 Q When did you become employed by the Montgomery</p> <p>10 County Sheriff's Office?</p> <p>11 A I believe it was June of 2005.</p> <p>12 Q What position did you obtain back in June of</p> <p>13 '05?</p> <p>14 A I just was hired as just a regular deputy.</p> <p>15 Q Road patrol?</p> <p>16 A Yes.</p> <p>17 Q Have you ever worked in the Montgomery County</p> <p>18 Jail?</p> <p>19 A No.</p> <p>20 Q Prior to 2005, what were you doing for an</p> <p>21 occupation or profession?</p> <p>22 A I was a patrolman with the City of Dayton</p> <p>23 Police Department.</p> <p>24 Q Dayton police officer?</p> <p style="text-align: right;">Page 8</p>
<p>1 testifying in court in front of a jury?</p> <p>2 A Yes.</p> <p>3 Q Do you understand that?</p> <p>4 A Yes.</p> <p>5 Q It's also not uncommon that something might jog</p> <p>6 your memory later on during the deposition about an answer</p> <p>7 you've given or a question I asked earlier. If that</p> <p>8 happens, I want you to take the opportunity today to</p> <p>9 revisit any question I've asked or answer you've given,</p> <p>10 okay?</p> <p>11 A Okay.</p> <p>12 Q Do you understand that I'm going to be relying</p> <p>13 on the accuracy of your answers given today in connection</p> <p>14 with this case?</p> <p>15 A Yes.</p> <p>16 Q And when I reference the "case," do you</p> <p>17 understand the deposition today is in connection with a</p> <p>18 lawsuit that's been filed surrounding the death of Robert</p> <p>19 Richardson back in May of 2012?</p> <p>20 A Yes.</p> <p>21 Q You've probably figured it out, but I'm the</p> <p>22 lawyer that represents the family members and the estate</p> <p>23 of Robert Richardson, okay?</p> <p>24 A Okay.</p> <p style="text-align: right;">Page 7</p>	<p>1 A Yes.</p> <p>2 Q How long were you a Dayton police officer?</p> <p>3 A Approximately three and a half years.</p> <p>4 Q I'm going to keep working in reverse</p> <p>5 chronological order.</p> <p>6 A Okay.</p> <p>7 Q So prior to becoming a Dayton police officer,</p> <p>8 what were you doing for employment?</p> <p>9 A I was working full -- I think it was full time</p> <p>10 at Good Samaritan Hospital, security.</p> <p>11 Q How long did you have that security position?</p> <p>12 A Approximately six years, I think.</p> <p>13 Q Now we're getting into kind of the distant</p> <p>14 past.</p> <p>15 A Okay.</p> <p>16 Q What kind of employment did you have before</p> <p>17 security at the hospital?</p> <p>18 A I was working auxiliary and then part-time for</p> <p>19 Clay Township Police Department.</p> <p>20 Q When did you become a certified police officer</p> <p>21 in the state of Ohio?</p> <p>22 A I want to -- I believe it was 1995.</p> <p>23 Q Any professional experience or employment</p> <p>24 outside of law enforcement?</p> <p style="text-align: right;">Page 9</p>

<p>1 A I played in a band.</p> <p>2 Q Did it pay?</p> <p>3 A Occasionally.</p> <p>4 Q Okay. That's pretty good. What I'm getting at</p> <p>5 is did you have any kind of meaningful profession or</p> <p>6 occupation before entering law enforcement?</p> <p>7 A No.</p> <p>8 Q Explain to me a little bit about the position.</p> <p>9 You're the first detective that we've had a chance to</p> <p>10 interview who's from the road patrol, or I've had a chance</p> <p>11 to talk to. Explain to me your position as detective.</p> <p>12 What kind of things are you investigating, what unit are</p> <p>13 you in, that kind of thing?</p> <p>14 A Right now, I'm assigned to the Sex Offender</p> <p>15 Registration Unit.</p> <p>16 Q How long have you had that assignment?</p> <p>17 A Maybe a year and a half. Close to a year and a</p> <p>18 half. Basically, our primary responsibility is keeping</p> <p>19 track of -- well, trying to keep track of the registered</p> <p>20 sex offenders, ones that are currently registered, and</p> <p>21 also any new people that get convicted of a sex offense,</p> <p>22 they come in our office. If they're going to be residing</p> <p>23 in our county, they come and register in our county. So</p> <p>24 that's our responsibility. And then we follow up on any</p> <p style="text-align: right;">Page 10</p>	<p>1 A Oh, there it is.</p> <p>2 Q It's actually 1268 to 1270, I believe. It</p> <p>3 might be in there twice, frankly. But it's definitely at</p> <p>4 the pages I just referred to. Based on the documents, I</p> <p>5 understand that you were summoned to the Montgomery County</p> <p>6 Jail on May 19th, 2012; is that correct?</p> <p>7 A Yes, sir.</p> <p>8 Q We think we've determined that was a Saturday.</p> <p>9 Is that consistent with your recollection?</p> <p>10 A I didn't look at what day it was, but --</p> <p>11 Q Other than reviewing your narrative statement</p> <p>12 or any documents in advance of today's deposition, do you</p> <p>13 have a memory in your own mind's eye of May 19th, 2012</p> <p>14 when you responded to the jail?</p> <p>15 A I have some, yes.</p> <p>16 Q And maybe as we ask questions I can ask you to</p> <p>17 maybe tell me what it is you remember just from your</p> <p>18 memory or what it is you're relying on your report to</p> <p>19 remember, okay?</p> <p>20 A Yes, sir.</p> <p>21 Q Who summoned you to the Montgomery County Jail</p> <p>22 on May 19th, 2012?</p> <p>23 A I believe it was Sergeant Stevens.</p> <p>24 Q And is Sergeant Stevens your supervisor?</p> <p style="text-align: right;">Page 12</p>
<p>1 kind of noncompliant offenders, tips that come in, that</p> <p>2 kind of thing.</p> <p>3 Q Prior to serving on the Sex Offender Unit you</p> <p>4 just described that you've been doing for about a year and</p> <p>5 a half, what kind of work were you doing as a detective?</p> <p>6 A I was assigned to Jefferson Township</p> <p>7 substation, so basically I handled property crimes that</p> <p>8 came in, some of the -- I don't want to say less violent</p> <p>9 crimes, but typically the things that didn't involve some</p> <p>10 sort of a weapon. Some robberies, that kind of thing.</p> <p>11 Q How long did you do that?</p> <p>12 A Maybe about a year and a half roughly.</p> <p>13 Q So that is three years. And I think you said</p> <p>14 you've been a detective for about five years now?</p> <p>15 A It was sometime in 2011 is when I became a</p> <p>16 detective.</p> <p>17 Q So what other assignments have you had as a</p> <p>18 detective before the Jefferson Township?</p> <p>19 A That's it.</p> <p>20 Q Oh, okay. I've reviewed your narrative report.</p> <p>21 I presume you took a look at that before your deposition?</p> <p>22 A Yes.</p> <p>23 Q And it's in here somewhere. In fact, it's at</p> <p>24 MC 1268 to 1269.</p> <p style="text-align: right;">Page 11</p>	<p>1 A She is over the unit I am in, yes.</p> <p>2 Q She is. And how did she get in contact with</p> <p>3 you; do you remember?</p> <p>4 A She probably would have called me.</p> <p>5 Q On a phone?</p> <p>6 A Yes, sir.</p> <p>7 Q Prior to May 19th, 2012, had you ever worked in</p> <p>8 the Montgomery County Jail?</p> <p>9 A No, sir.</p> <p>10 Q Had you ever been there?</p> <p>11 A Yes.</p> <p>12 Q So had you ever investigated any incidents or</p> <p>13 potential crimes at the Montgomery County Jail prior to</p> <p>14 May 19th, 2012?</p> <p>15 A Prior to -- I don't want to say yes or no,</p> <p>16 because I'm not quite sure.</p> <p>17 Q And that's exactly what the answer should be.</p> <p>18 I should have told you, if you don't remember something or</p> <p>19 you don't know the answer, just let us know. We just want</p> <p>20 your best recollection, okay?</p> <p>21 A Yes.</p> <p>22 Q So let me get the answer. As you sit here</p> <p>23 today, you're not certain whether or not you had ever</p> <p>24 investigated an incident or a potential crime at the</p> <p style="text-align: right;">Page 13</p>

<p>1 Montgomery County Jail prior to May 19th, 2012; fair?</p> <p>2 A That is fair.</p> <p>3 Q At the time that you were summoned by Sergeant</p> <p>4 Stevens, I think you were working in the Jefferson</p> <p>5 Township assignment; correct?</p> <p>6 A Yes, sir.</p> <p>7 Q Is Montgomery County Jail within Jefferson</p> <p>8 Township?</p> <p>9 A No, sir.</p> <p>10 Q Do you know why it is you were summoned to the</p> <p>11 Montgomery County Jail to investigate -- I'll talk about</p> <p>12 what you were assigned to do. But do you know why you</p> <p>13 were chosen to come to the Montgomery County Jail that</p> <p>14 day?</p> <p>15 A There's been times where I've been called just</p> <p>16 to be an assist, just because I would be assigned to</p> <p>17 Jefferson Township, Jefferson Township is kind of -- if I</p> <p>18 remember correctly, Jefferson Township kind of gets half a</p> <p>19 detective. So they kind of get some of our work, you</p> <p>20 know, but then I can also be farmed out to wherever</p> <p>21 anybody else may need assistance.</p> <p>22 Q Have you ever investigated a death prior to May</p> <p>23 19th, 2012?</p> <p>24 A I don't believe I have.</p> <p style="text-align: right;">Page 14</p>	<p>1 Q Did you understand whether or not you were</p> <p>2 investigating the commission of a potential crime?</p> <p>3 A I was not aware at the time, just that someone</p> <p>4 had died inside the jail.</p> <p>5 Q The times that you've been asked to assist in</p> <p>6 investigating deaths, have there been times where you've</p> <p>7 been asked to assist in investigating deaths that have</p> <p>8 occurred outside the jail?</p> <p>9 A Yes.</p> <p>10 Q And in those circumstances, you understood that</p> <p>11 you were investigating the commission of a crime; yes?</p> <p>12 A And I believe they were a crime at the time or</p> <p>13 suspected of being a crime at the time, yes.</p> <p>14 Q But when you responded to a death that occurred</p> <p>15 inside the jail, you didn't have an understanding that</p> <p>16 there was potentially a crime committed; correct?</p> <p>17 A Correct.</p> <p>18 Q Why not?</p> <p>19 A I was just told that there was a death in the</p> <p>20 jail. I wasn't given any circumstances, that the decedent</p> <p>21 was already removed, and that I was to take statements</p> <p>22 from anyone that was involved or potential inmates.</p> <p>23 Q In your own mind, Detective, did you consider</p> <p>24 yourself to be investigating a potential crime?</p> <p style="text-align: right;">Page 16</p>
<p>1 Q Have you investigated a death since then?</p> <p>2 A I've been on scenes. I believe I have, yes.</p> <p>3 Q How many?</p> <p>4 A I don't know.</p> <p>5 Q Just based on your demeanor when you answered</p> <p>6 that last question, I'm going to assume, but I'm asking,</p> <p>7 is it less than five deaths that you've ever investigated?</p> <p>8 A It's probably close to five.</p> <p>9 Q The reason I'm asking these questions is based</p> <p>10 on the assignments you've told me about, the sex offender</p> <p>11 assignment, you explained what that was, and the Jefferson</p> <p>12 Township assignment, you explained what that was, I think</p> <p>13 you said it was crimes that weren't too violent, you know,</p> <p>14 property, thefts, and that kind of thing, and I'm just</p> <p>15 thinking it doesn't sound to me like either one of those</p> <p>16 assignments would include the routine investigation of</p> <p>17 deaths; is that fair?</p> <p>18 A That is fair.</p> <p>19 Q When you responded to the Montgomery County</p> <p>20 Jail on May 19th, 2012, was it your understanding that you</p> <p>21 were investigating a potential crime?</p> <p>22 A When I got there, it was my understanding that</p> <p>23 someone had -- was deceased, had passed away in the jail,</p> <p>24 and that my job was to assist Detective Clymer.</p> <p style="text-align: right;">Page 15</p>	<p>1 A Well, I'm -- I would be staying open, because I</p> <p>2 wouldn't know. I wasn't sure at the time.</p> <p>3 Q You arrived, according to your paperwork, at</p> <p>4 about 17:25 hours. So that's about 5:30 p.m.?</p> <p>5 A Yes, sir.</p> <p>6 Q And you were advised by Sergeant Whalen that</p> <p>7 the inmate had been pronounced at 16:08, so about 4:08 in</p> <p>8 the afternoon, and that you needed to report to Delta Pod.</p> <p>9 Is that how it happened?</p> <p>10 A Yes, sir.</p> <p>11 Q Now, on arrival in Delta Pod, you met with</p> <p>12 Captain Crosby; correct?</p> <p>13 A Yes.</p> <p>14 Q I want to follow up a little bit on that,</p> <p>15 because I've seen some documentation in this case where</p> <p>16 Crosby is referring to himself as a sergeant. You're</p> <p>17 referring to him here as of May 2012 as a captain. Do you</p> <p>18 know if he had the rank of sergeant or captain as of May</p> <p>19 19th?</p> <p>20 A I believe he was captain.</p> <p>21 Q That's pretty high up, captain?</p> <p>22 A That's higher than sergeant.</p> <p>23 Q Okay.</p> <p>24 A I can tell, you know, whether he has the</p> <p style="text-align: right;">Page 17</p>

<p>1 stripes on his sleeve or bars.</p> <p>2 Q So you met Captain Crosby, Sergeant Stevens,</p> <p>3 and Detective Sollenberger, and Corrections Officer</p> <p>4 Michael Beach. You met all those folks on Delta Pod when</p> <p>5 you got there; correct?</p> <p>6 A Yes, sir.</p> <p>7 Q Did someone escort you to Delta Pod?</p> <p>8 A It's possible at the time, because I wasn't all</p> <p>9 that familiar with where the floors were located.</p> <p>10 Q That's what I was wondering. Fair to say the</p> <p>11 people that were taking control over the scene was Captain</p> <p>12 Crosby and Detective Sollenberger primarily?</p> <p>13 A Ask me again.</p> <p>14 Q The reason I'm -- Let me start it this way. I</p> <p>15 haven't seen much reference to Sergeant Stevens in any of</p> <p>16 the paperwork that I'm looking at. Do you know, was</p> <p>17 Sergeant Stevens stationed or assigned to the jail?</p> <p>18 A No, I believe she was still part of the Sex</p> <p>19 Offender Unit.</p> <p>20 Q Okay.</p> <p>21 A And whatever her responsibility was, why she</p> <p>22 was there, I'm not sure. But she would have been the one</p> <p>23 that I would directly report to, I guess at the time,</p> <p>24 since she called me, and she would direct me to what I</p> <p style="text-align: right;">Page 18</p>	<p>1 point in time?</p> <p>2 A Yes, sir.</p> <p>3 Q Captain Crosby and Detective Sollenberger have</p> <p>4 both been fired; correct?</p> <p>5 MR. PREGON: Objection.</p> <p>6 A Who?</p> <p>7 BY MR. DICELLO:</p> <p>8 Q Captain Crosby and Detective Sollenberger.</p> <p>9 MR. PREGON: No. You have a name wrong there.</p> <p>10 BY MR. DICELLO:</p> <p>11 Q Go ahead. You can answer.</p> <p>12 A What you just said is incorrect.</p> <p>13 Q How is it incorrect?</p> <p>14 A I believe Detective Sollenberger was fired,</p> <p>15 because I know Captain Crosby is still employed.</p> <p>16 Q Okay. What was your understanding of what</p> <p>17 Detective Sollenberger's role was when you responded to</p> <p>18 the jail?</p> <p>19 A That he would be investigating any internal</p> <p>20 policy violations.</p> <p>21 Q Was it your understanding that Detective</p> <p>22 Sollenberger, as part of his duties and responsibilities,</p> <p>23 investigated issues at the jail?</p> <p>24 A Ask me one more time. Sorry.</p> <p style="text-align: right;">Page 20</p>
<p>1 would need to do.</p> <p>2 Q So Sergeant Stevens, to your knowledge, wasn't</p> <p>3 under the umbrella of the Jail Division for the Montgomery</p> <p>4 County Sheriff's Office; correct?</p> <p>5 A I'm pretty sure she was not.</p> <p>6 Q And same for you, you weren't under the Jail</p> <p>7 Division part of the sheriff's office; correct?</p> <p>8 A Correct.</p> <p>9 Q Captain Crosby and Detective Sollenberger, did</p> <p>10 you know that they were within the Jail Division of the</p> <p>11 sheriff's office?</p> <p>12 A I knew Captain Crosby was. But I believe that</p> <p>13 Detective Sollenberger was in Internal Affairs at the</p> <p>14 time.</p> <p>15 Q IA, okay. When you arrived, did you have -- I</p> <p>16 know you were reporting directly to Sergeant Stevens. But</p> <p>17 based on your knowledge that she wasn't regularly</p> <p>18 stationed or assigned to the jail, did you have an</p> <p>19 understanding that the person really in charge of the jail</p> <p>20 scene at that point was Captain Crosby?</p> <p>21 A I would suspect that he would be, yes.</p> <p>22 Q And in terms of kind of the chain of command,</p> <p>23 that was what you would expect, Captain Crosby was really</p> <p>24 the person with the highest command over the jail at that</p> <p style="text-align: right;">Page 19</p>	<p>1 Q Is it your understanding that Detective</p> <p>2 Sollenberger, in connection with his Internal Affairs</p> <p>3 responsibilities, investigated situations that took place</p> <p>4 at the jail?</p> <p>5 A Yes.</p> <p>6 Q All right. I apologize for getting Captain</p> <p>7 Crosby wrong. But you understand Detective Sollenberger</p> <p>8 has since this time been dismissed from the employ of the</p> <p>9 Montgomery County Sheriff; correct?</p> <p>10 MR. PREGON: Objection.</p> <p>11 Go ahead.</p> <p>12 A Yes.</p> <p>13 BY MR. DICELLO:</p> <p>14 Q And what's your understanding as to why he was</p> <p>15 terminated?</p> <p>16 MR. PREGON: I'll object.</p> <p>17 Again, Nick, if you give me a continuing, I</p> <p>18 won't keep interrupting.</p> <p>19 MR. DICELLO: Sure. Continuing objection</p> <p>20 noted.</p> <p>21 MR. PREGON: Go ahead.</p> <p>22 A It was a policy violation.</p> <p>23 BY MR. DICELLO:</p> <p>24 Q What policy?</p> <p style="text-align: right;">Page 21</p>

<p>1 A I don't know.</p> <p>2 Q Do you understand that Detective Sollenberger</p> <p>3 was engaged in numerous racist texts by and between folks</p> <p>4 employed by the Montgomery County Sheriff?</p> <p>5 A I understand that there was something involved,</p> <p>6 but I don't know the entire circumstances, because it was</p> <p>7 none of my business.</p> <p>8 Q Why wasn't it any of your business?</p> <p>9 A Because it was -- it's an issue that did not</p> <p>10 involve me personally or directly or affect my position</p> <p>11 directly. So I wasn't involved.</p> <p>12 Q The reason I'm asking you this question is</p> <p>13 because you're a detective that goes about investigating</p> <p>14 different kinds of situations, including the death of</p> <p>15 somebody who is under the care, custody, and control of</p> <p>16 the Montgomery County Sheriff's Office. But -- And you</p> <p>17 understand Mr. Richardson was black; yes?</p> <p>18 A Yes, sir.</p> <p>19 Q And Detective Sollenberger is white; yes?</p> <p>20 A Yes.</p> <p>21 Q Based on what you know about Detective</p> <p>22 Sollenberger's basis for termination, would you as a</p> <p>23 detective who is investigating these things have</p> <p>24 confidence in Detective Sollenberger's investigations into</p> <p style="text-align: right;">Page 22</p>	<p>1 the continuing objection I lodged before would encompass</p> <p>2 the racism questions that you're going to be asking about.</p> <p>3 MR. DICELLO: I agree.</p> <p>4 MR. PREGON: Okay.</p> <p>5 MR. DICELLO: Understood. And to the extent</p> <p>6 they're based on relevance, you know, those are preserved,</p> <p>7 anyway.</p> <p>8 MR. PREGON: Go ahead.</p> <p>9 A I would think that you may have a personal</p> <p>10 opinion about a certain person, their background, their</p> <p>11 race. And whether you keep that personal, you keep it</p> <p>12 personal, and if it doesn't affect your job, I think you</p> <p>13 can still manage to do your job professionally and fairly.</p> <p>14 BY MR. DICELLO:</p> <p>15 Q Should members of this community even have to</p> <p>16 ask that question about a detective within the Montgomery</p> <p>17 County Sheriff's Office?</p> <p>18 A Should they have to ask? Is that what you</p> <p>19 said?</p> <p>20 Q Yeah. Should they have the concern that you</p> <p>21 have now? I think what you're telling me is I would like</p> <p>22 to think that Detective Sollenberger isn't racist even</p> <p>23 though he's uttered numerous racist remarks by and amongst</p> <p>24 other fellow officers at Montgomery County. Do you think</p> <p style="text-align: right;">Page 24</p>
<p>1 the death of a black man?</p> <p>2 MR. PREGON: Objection.</p> <p>3 Go ahead.</p> <p>4 A I -- I don't know enough about Detective</p> <p>5 Sollenberger, I know enough about his cases or previous</p> <p>6 cases that he's a detect -- or that he's investigated, so</p> <p>7 I would like to try to keep an open mind about his</p> <p>8 investigative skills.</p> <p>9 BY MR. DICELLO:</p> <p>10 Q So do you have confidence in his ability to be</p> <p>11 unbiased when investigating the death of a black man, or</p> <p>12 no --</p> <p>13 MR. PREGON: Objection.</p> <p>14 BY MR. DICELLO:</p> <p>15 Q -- based on what you know about the reasons for</p> <p>16 his termination?</p> <p>17 MR. PREGON: Objection.</p> <p>18 Go ahead.</p> <p>19 A I would like to think so, yes.</p> <p>20 BY MR. DICELLO:</p> <p>21 Q Why do you think that he could be trusted to</p> <p>22 investigate without bias the death of a black man based on</p> <p>23 the texts that I'm sure you've heard about?</p> <p>24 MR. PREGON: Just so I'm clear, Nick, I mean,</p> <p style="text-align: right;">Page 23</p>	<p>1 the public should have to question him?</p> <p>2 A Well, I think the public has a right to ask.</p> <p>3 We work for the public. And they have a right to, if they</p> <p>4 hear something, they have a right to ask about it.</p> <p>5 Q I guess what I'm getting at, don't you think</p> <p>6 the people in this community are entitled to have</p> <p>7 detectives investigating the death of another member of</p> <p>8 their community, don't you think they're entitled to have</p> <p>9 those investigations done by people who aren't racist</p> <p>10 against black people?</p> <p>11 MR. PREGON: Objection.</p> <p>12 Go ahead.</p> <p>13 A I think they deserve a fair investigation</p> <p>14 regardless, yes, sir.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q Based on what you know about Detective</p> <p>17 Sollenberger, he had no business investigating this death,</p> <p>18 did he?</p> <p>19 A I don't know. I don't have an answer for that.</p> <p>20 Q Why not?</p> <p>21 A He was in a position to investigate it and that</p> <p>22 was his position. I had nothing to do with -- Whatever</p> <p>23 happened outside of work, I'm not -- I wasn't friends with</p> <p>24 Detective Sollenberger, I didn't work much with Detective</p> <p style="text-align: right;">Page 25</p>

<p>1 Sollenberger, around him very often, so I don't have an 2 answer for that.</p> <p>3 Q It looks to me that Detective Clymer was the 4 lead detective on this investigation?</p> <p>5 A That is correct, sir.</p> <p>6 Q And that you would assist him with interviews?</p> <p>7 A Yes, sir.</p> <p>8 Q Did you do anything other than just assist by 9 taking interviews?</p> <p>10 A No, sir.</p> <p>11 Q How many people did you interview?</p> <p>12 A Probably ten to 12 roughly.</p> <p>13 Q And when did you conduct those interviews?</p> <p>14 A That night.</p> <p>15 Q How long did it take you to conduct those ten 16 to 12 interviews that you did?</p> <p>17 A Once I began starting, probably less than a 18 half an hour.</p> <p>19 Q So about two to three minutes each?</p> <p>20 A Give or take a few, yes.</p> <p>21 Q Did you record any of these interviews?</p> <p>22 A No, sir.</p> <p>23 Q You understood you were interviewing people who 24 potentially witnessed the death of a 28-year-old man;</p> <p style="text-align: right;">Page 26</p>	<p>1 recorder to record these interviews with these people"?</p> <p>2 A No, sir.</p> <p>3 Q Did you take notes of what they were saying?</p> <p>4 A I would have, yes.</p> <p>5 Q Where are those notes?</p> <p>6 A Probably in the trash.</p> <p>7 Q They were discarded?</p> <p>8 A They would have been discarded, yes.</p> <p>9 Q Why?</p> <p>10 A Because I would have transcribed my report from 11 my notes.</p> <p>12 Q Is that how you're trained to do it?</p> <p>13 A That's what I do a lot, yes.</p> <p>14 Q Okay.</p> <p>15 A Try to take a lot of notes.</p> <p>16 Q But my question is: Is that how you're trained 17 to do it at the Montgomery County Sheriff's Office, that 18 when you take notes of an interview of a witness to a 19 potential homicide that you can later throw those notes 20 away?</p> <p>21 A If they're not -- If it's not necessarily 22 relevant or I have everything in my report that is from my 23 notes, then yes, I can get rid of those notes.</p> <p>24 Q And I'm not trying to be disrespectful here,</p> <p style="text-align: right;">Page 28</p>
<p>1 correct?</p> <p>2 A I didn't realize until I got there.</p> <p>3 Q But once you started taking the interviews, you 4 understood that you were interviewing people who 5 potentially witnessed the death of a 28-year-old inmate; 6 correct?</p> <p>7 A Yes, sir.</p> <p>8 Q You knew that the deceased was in the care, 9 custody, and control of your fellow officers; correct?</p> <p>10 A Yes.</p> <p>11 Q At the time he died; yes?</p> <p>12 A Yes.</p> <p>13 Q Did you think it was important to record the 14 interviews of the individuals you were interviewing given 15 this was a death investigation?</p> <p>16 A I didn't have a recorder.</p> <p>17 Q Why not?</p> <p>18 A I don't always carry one.</p> <p>19 Q I understand that at this point you've told us 20 you didn't work much in the jail, but why wouldn't you 21 bring a recorder with you to interview witnesses to a 22 potential homicide?</p> <p>23 A I just didn't have one.</p> <p>24 Q Did you say to anybody, "I need to get a</p> <p style="text-align: right;">Page 27</p>	<p>1 Detective. You understand I represent the interests of 2 the person who died. And what the witnesses that 3 witnessed this death have to say is important. Do you 4 agree with that?</p> <p>5 A Yes, sir.</p> <p>6 Q And do you think in trying to conduct an 7 independent and unbiased investigation it would be better 8 to have the actual statements from the witnesses as 9 opposed to your statements of what that person said in the 10 report?</p> <p>11 A If there's any statements, meaning if you're 12 strictly referring to verbal, I would have written down 13 what they told me verbally, and I would have put in my 14 report exactly what they would have told me.</p> <p>15 Q Okay.</p> <p>16 A I would not have went off from that, put in 17 more than what they told me or less than what they told 18 me. If they had written anything down, I was never given 19 any written statements.</p> <p>20 Q Okay. That brings up a good point. Did you 21 review any photographs or did you review the scene? Did 22 you see the body or anything before you embarked on these 23 interviews?</p> <p>24 A I was in the jail, and this was after</p> <p style="text-align: right;">Page 29</p>

<p>1 Mr. Richardson had already been removed. Other than that,</p> <p>2 I did not see any pictures, videos, or anything like that.</p> <p>3 Q Did somebody kind of debrief you on what the</p> <p>4 situation was when you arrived?</p> <p>5 A They would have, yes.</p> <p>6 Q Do you remember who that was?</p> <p>7 A No.</p> <p>8 Q Do you remember what that person or those</p> <p>9 people told you about what happened?</p> <p>10 A Just that -- Just what I was told when I went</p> <p>11 up, that Mr. Richardson had been pronounced. I got there,</p> <p>12 and they would have told me that there was an incident</p> <p>13 that, I think it was up on the second floor, and just</p> <p>14 start talking to -- to get the witnesses, get their</p> <p>15 version of what they saw happen.</p> <p>16 Q The people that were interviewed are in a</p> <p>17 certain order in your report. Is that the order that you</p> <p>18 interviewed them in?</p> <p>19 A It would have been, yes.</p> <p>20 Q So the first person you interviewed was Medic</p> <p>21 Stockhauser?</p> <p>22 A Yes, sir.</p> <p>23 Q And then the next person you met with was</p> <p>24 Krisandra Miles?</p> <p style="text-align: right;">Page 30</p>	<p>1 interviewing them as a group?</p> <p>2 A It was one-on-one.</p> <p>3 Q Is that the same with the inmates, were they</p> <p>4 one-on-one interviews?</p> <p>5 A Yes.</p> <p>6 Q This narrative -- Let me ask you. Did you type</p> <p>7 this narrative into a computer somewhere?</p> <p>8 A Yes.</p> <p>9 Q Where is that computer?</p> <p>10 A Oh, I don't know.</p> <p>11 Q Did you type this up in the jail or did you</p> <p>12 type it up somewhere else?</p> <p>13 A At the time it was probably when I was assigned</p> <p>14 to Jefferson Township.</p> <p>15 Q So you would have gone back and typed in --</p> <p>16 from your notes, you would have typed into your computer</p> <p>17 at your desk or something at Jefferson Township?</p> <p>18 A Yes, sir.</p> <p>19 Q Do you know the date on which you typed this</p> <p>20 narrative up?</p> <p>21 A It looks like I reported it on July 9th of</p> <p>22 2012.</p> <p>23 Q So you typed this up about a month and a half</p> <p>24 after you took the interviews?</p> <p style="text-align: right;">Page 32</p>
<p>1 A Yes.</p> <p>2 Q And then just bear with me here. The next</p> <p>3 person you would have met with was Kristy Kruse?</p> <p>4 A Yes.</p> <p>5 Q And then Felicia Foster?</p> <p>6 A Yes.</p> <p>7 Q And then it looks like those are all medical</p> <p>8 people; correct?</p> <p>9 A Yes.</p> <p>10 Q And so then after you interviewed the medical</p> <p>11 people, then you interviewed the inmates on D Pod; is that</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q When you interviewed the inmates, did you</p> <p>15 interview them in their cells or were they brought to you</p> <p>16 to interview somewhere else?</p> <p>17 A We ended up at a table, an open table in the</p> <p>18 pod. So we were not in the cell.</p> <p>19 Q Was there anyone else present when you</p> <p>20 interviewed the medical people?</p> <p>21 A Like sitting with us?</p> <p>22 Q Yeah.</p> <p>23 A No.</p> <p>24 Q Were these one-on-one interviews or were you</p> <p style="text-align: right;">Page 31</p>	<p>1 A That's probably -- That probably is accurate,</p> <p>2 yes.</p> <p>3 Q Any reason that it took six some weeks plus to</p> <p>4 type up this narrative report?</p> <p>5 A Probably because I was -- Being the only</p> <p>6 detective assigned to Jefferson Township at the time, I</p> <p>7 was inundated with cases coming in. Other than that, I</p> <p>8 don't have an answer for that one.</p> <p>9 Q Did you speak with anybody regarding this</p> <p>10 investigation between the time you concluded your</p> <p>11 interviews on May 19th, 2012 and July 9th, 2012?</p> <p>12 A Regarding this incident?</p> <p>13 Q Yes.</p> <p>14 A It's possible, yes.</p> <p>15 Q Did you interview anyone else between May 19th,</p> <p>16 2012 and July 9th, 2012?</p> <p>17 A No.</p> <p>18 Q Did you take any other formal action in</p> <p>19 connection with this investigation that would be</p> <p>20 documented anywhere in between those two dates?</p> <p>21 A No, sir.</p> <p>22 Q So who did you submit this narrative to once</p> <p>23 you completed it?</p> <p>24 A What I can say, I am pretty sure what I did</p> <p style="text-align: right;">Page 33</p>

<p>1 with this is, something that I'll do, I'll type my stuff</p> <p>2 on a Word document, so I would have just trans -- you</p> <p>3 know, put it on a Word document, copied it, and then</p> <p>4 submitted it. And then I would have let whoever the</p> <p>5 supervisor was at the time, let them know, "Hey, I</p> <p>6 submitted this, the supplement for this case." So --</p> <p>7 Q Would that have been Sergeant Stevens that you</p> <p>8 notified that?</p> <p>9 A I don't know which supervisor at the time. I</p> <p>10 would like to think her, but I don't want to say yes or</p> <p>11 no.</p> <p>12 Q Did anybody from Internal Affairs ever come and</p> <p>13 ask you for this report?</p> <p>14 A No, sir.</p> <p>15 Q Did anyone from Internal Affairs ever come</p> <p>16 interview you?</p> <p>17 A No, sir.</p> <p>18 Q Were you asked to come to any conclusions as a</p> <p>19 result of your investigation?</p> <p>20 A No, sir.</p> <p>21 Q And other than taking these interviews and</p> <p>22 submitting this narrative, were you asked to do anything</p> <p>23 else?</p> <p>24 A No, sir.</p> <p style="text-align: right;">Page 34</p>	<p>1 A As far as like, I mean, if there would be a</p> <p>2 policy violation?</p> <p>3 Q That's what I'm asking. I'm just asking if you</p> <p>4 understood what the purpose of it was.</p> <p>5 A Right. What was the cause of his death, was it</p> <p>6 a criminal act or was it a natural cause or, you know,</p> <p>7 that kind of thing. So --</p> <p>8 Q Did you ever learn any of those answers,</p> <p>9 whether this was a natural death or an unnatural death?</p> <p>10 A I don't remember ever speaking with anyone else</p> <p>11 after, no, sir.</p> <p>12 Q To this day, do you know whether</p> <p>13 Mr. Richardson's death was ruled natural?</p> <p>14 A I -- I don't even know if I heard for sure, but</p> <p>15 I don't believe there was anything criminal, no. I never</p> <p>16 heard anything about a criminal.</p> <p>17 Q My question -- I appreciate your answer. I'm</p> <p>18 not saying you're not being responsive, Detective. But my</p> <p>19 question is specifically with respect to the cause of the</p> <p>20 death. Were you ever informed whether it was natural or</p> <p>21 unnatural?</p> <p>22 A I was not told directly, no, sir.</p> <p>23 Q Do you know what it was?</p> <p>24 A I believe I heard it was some sort of a medical</p> <p style="text-align: right;">Page 36</p>
<p>1 Q Once you submitted this narrative, was that the</p> <p>2 end of your involvement in this investigation?</p> <p>3 A Until this came up, I never heard anything else</p> <p>4 about it.</p> <p>5 Q All right. No one ever notified you what the</p> <p>6 result of the investigation was?</p> <p>7 A I don't believe I ever spoke with anyone, no,</p> <p>8 sir.</p> <p>9 Q Do you know what was being investigated?</p> <p>10 A What do you mean? Say it again.</p> <p>11 Q In other words, my understanding of an</p> <p>12 investigation is you're trying to answer certain questions</p> <p>13 and come up with conclusions; correct?</p> <p>14 A Yes.</p> <p>15 Q Do you know what answers were being sought or</p> <p>16 what conclusions were trying to be arrived at as a result</p> <p>17 of this investigation?</p> <p>18 A It would be whether it was -- how did he die,</p> <p>19 you know, what was the cause of his death.</p> <p>20 Q That's your understanding what the purpose of</p> <p>21 the investigation was; correct?</p> <p>22 A Yes, sir.</p> <p>23 Q Any other purposes of this investigation that</p> <p>24 you understood?</p> <p style="text-align: right;">Page 35</p>	<p>1 cause, but I don't know why.</p> <p>2 Q So in your mind, is that natural or unnatural?</p> <p>3 A I don't know.</p> <p>4 Q You don't know? Okay. That's all right. It's</p> <p>5 just some folks that are in law enforcement, they're very</p> <p>6 familiar with those definitions on a coroner's report, and</p> <p>7 some aren't. So I just asked if you thought in your own</p> <p>8 mind if this was a natural death or unnatural death, and I</p> <p>9 think your answer is you don't know?</p> <p>10 A I don't know.</p> <p>11 Q Okay. Looking at your report, just based on</p> <p>12 some of the interviews you conducted, the medic indicated</p> <p>13 to you -- the first person you interviewed indicated that</p> <p>14 Mr. Richardson was acting like he was coming out of a</p> <p>15 seizure. Is that what you determined based on your</p> <p>16 interviews?</p> <p>17 A Yes. That's what I was told, yes, sir.</p> <p>18 Q And Ms. Miles told you that when she got there</p> <p>19 Mr. Richardson was laying on his stomach; correct?</p> <p>20 A Yes, and I believe his side was up.</p> <p>21 Q Well, that's not what Ms. Miles said, is it?</p> <p>22 A If I may refer?</p> <p>23 Q Yeah, go right ahead.</p> <p>24 A Okay.</p> <p style="text-align: right;">Page 37</p>

<p>1 (Reviewing document.)</p> <p>2 I apologize. No, it was not her that said</p> <p>3 that.</p> <p>4 Q Ms. Miles said when she observed Mr. Richardson</p> <p>5 he was lying on his stomach; correct?</p> <p>6 MR. PREGON: Objection.</p> <p>7 BY MR. DICELLO:</p> <p>8 Q You can answer.</p> <p>9 MR. PREGON: Yeah.</p> <p>10 BY MR. DICELLO:</p> <p>11 Q Jamey does that sometimes.</p> <p>12 MR. PREGON: Unless I tell you not to answer,</p> <p>13 go ahead and answer.</p> <p>14 A Yes. Yes, he was.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q Ms. Miles reported to you that Mr. Richardson</p> <p>17 was yelling; correct?</p> <p>18 A Yes.</p> <p>19 Q You met with Nurse Felicia Foster; correct?</p> <p>20 A Yes, sir.</p> <p>21 Q And she told you that she was aware that</p> <p>22 Mr. Richardson had a history of hypertension; correct?</p> <p>23 A Yes, sir.</p> <p>24 Q That was as of May 19th, 2012; correct?</p> <p style="text-align: right;">Page 38</p>	<p>1 Q Did you ever review any video footage of the</p> <p>2 incident prior to the lawsuit being filed?</p> <p>3 A No, sir.</p> <p>4 Q Were you informed that there was video footage</p> <p>5 of the incident?</p> <p>6 A I was aware that there was some, yes.</p> <p>7 Q Did you coordinate your investigation with</p> <p>8 Detective Clymer in any way?</p> <p>9 A Other than doing my supplement and letting him</p> <p>10 know that my supplement was completed, no, sir.</p> <p>11 Q Did Detective Clymer ever inform you as to the</p> <p>12 status of what he was doing in the investigation?</p> <p>13 A I don't believe so.</p> <p>14 Q Now, the end of your report says "status</p> <p>15 pending." While I have you here, why don't you tell me,</p> <p>16 what does that mean?</p> <p>17 A That would be that there was no conclusion, no</p> <p>18 closing of the case at the time.</p> <p>19 Q And what was your understanding as to once the</p> <p>20 -- The narrative, as I understand it, is part of an</p> <p>21 incident report; is that your understanding?</p> <p>22 A Yes.</p> <p>23 Q So what was your understanding of what was</p> <p>24 going to happen once the incident report was complete?</p> <p style="text-align: right;">Page 40</p>
<p>1 A Yes, sir.</p> <p>2 Q The first inmate you interviewed was Carl</p> <p>3 McClure; correct?</p> <p>4 A Yes, sir.</p> <p>5 Q And he said he could hear Mr. Richardson</p> <p>6 yelling to get off of him; right?</p> <p>7 A Yes, sir.</p> <p>8 Q Other inmates informed you during your</p> <p>9 interviews that they could hear Mr. Richardson yelling to</p> <p>10 get off of him and to let him go; correct?</p> <p>11 A Yes.</p> <p>12 Q For example, Inmate James Branham told you that</p> <p>13 Mr. Richardson was yelling to let him up; correct?</p> <p>14 A Yes, sir.</p> <p>15 Q And Inmate Keefer said Mr. Richardson was</p> <p>16 yelling to get off of him; correct?</p> <p>17 A Yes, sir.</p> <p>18 Q And Inmate Layman and Inmate Wayne told you on</p> <p>19 May 19th, 2012 that Mr. Richardson was yelling he couldn't</p> <p>20 breathe and he was asking for help; correct?</p> <p>21 A Yes.</p> <p>22 Q Mr. Ethan Frye told you that he saw the COs</p> <p>23 laughing during the incident; correct?</p> <p>24 A Yes, sir.</p> <p style="text-align: right;">Page 39</p>	<p>1 A From everyone or --</p> <p>2 Q Yeah.</p> <p>3 A Okay. Ask me one more time.</p> <p>4 Q Yeah. And you help me out through this, okay,</p> <p>5 because I've had the chance to depose a lot of folks and</p> <p>6 have learned a lot about how things work in the jail. I</p> <p>7 haven't heard from too many people explain how the</p> <p>8 investigation moves forward. So I'm interested in knowing</p> <p>9 what paperwork or documentation constitutes the</p> <p>10 investigation when it's concluded. Do you know?</p> <p>11 A It would be any of the reports.</p> <p>12 Q Okay.</p> <p>13 A We would attach any of the jail reports, any</p> <p>14 medical documentation would have been obtained at the</p> <p>15 time, any sort of recordings, audio or video recordings.</p> <p>16 Q And once all that information is gathered,</p> <p>17 what's your understanding of who reviews it or what</p> <p>18 happens to it?</p> <p>19 A Well, the case detective -- I mean, once</p> <p>20 everything would be together, we could -- we would review</p> <p>21 it with our sergeant and let them know what, you know, the</p> <p>22 conclusion was, and if any need to have a prosecutor's</p> <p>23 office review it to make sure, if we believe that there</p> <p>24 was going to be any criminal activity, let them review it</p> <p style="text-align: right;">Page 41</p>

1 as well.

2 **Q Do you know if this investigation was ever sent**

3 **to any prosecutors for review?**

4 A I wasn't aware if it was or not.

5 **Q What would your expectation be, based on your**

6 **understanding of the circumstances and interviewing the**

7 **people you did, as to whether or not this kind of**

8 **investigation would go to a prosecutor or not?**

9 A I mean, if I felt that it needed to be reviewed

10 to make sure, then I would -- I would ask for it to be.

11 But I wouldn't make that ultimate decision.

12 **Q So back to the first page of your narrative.**

13 **There's an administrative information box there. I want**

14 **you to maybe help me out if you can. About the location,**

15 **330 West Second Street, is that where the jail is?**

16 A Yes, sir.

17 **Q And it says at the very top, it's in the box,**

18 **too, it says "nature of call," it says, "information**

19 **report only." What does that mean?**

20 A That would be the -- what the call type was

21 going to be at the time.

22 **Q So what does "information report only" mean?**

23 A That that's all, it's just information at the

24 moment, it hasn't been classified any specific -- any

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1 specific thing.

2 **Q It says approval date was the next day. The**

3 **report date was July 9th, 2012, and then there's an**

4 **approval date at 8:46 in the morning of July 10th. What**

5 **does that mean?**

6 A That would have been when a supervisor reviewed

7 it and approved it.

8 **Q Do you know who the approving officer was? It**

9 **says officer 138. Do you know who that is?**

10 A I don't know who that is specifically.

11 **Q Okay. We can probably figure that out at some**

12 **point.**

13 **What do you understand that that officer was**

14 **approving?**

15 A Typographical errors, possibly, any inaccuracy,

16 any questions they would call me to clarify something, if

17 anything needed to be fixed.

18 **Q What about what's "RMS transfer"? Do you know**

19 **what that means?**

20 A That's -- That's whenever, if I'm typing up my

21 report and I -- there's a tab that we click to get it like

22 -- it's in the system, but to where I believe where they

23 notify to where the supervisor can pull it up and read it.

24 **Q What about "prop trans stat"? Do you see that?**

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1 A Where is that?

2 **Q Right next to "RMS transfer," there's a box**

3 **that says -- I'm guessing that's property transfer status.**

4 **But it says "prop trans stat successful." Do you know**

5 **what that means?**

6 A That's possible, but I don't know what that is.

7 **Q When you were investigating this death, were**

8 **you investigating whether or not Mr. Richardson died as a**

9 **result of positional asphyxiation? Did anybody mention**

10 **that to you in any way?**

11 A No, sir.

12 **Q Are you familiar with what positional**

13 **asphyxiation is?**

14 A A little, yes.

15 **Q You say "a little." So I've got to follow up.**

16 **What do you understand positional asphyxiation to be?**

17 A That if someone is in a position where they are

18 face forward and they are just unable to breathe, someone

19 is, I don't want to say necessarily on top of them, but

20 their breathing is restricted while they're in that

21 position, and they can't get to a position where they can

22 breathe.

23 **Q Have you spoken with anybody about this death**

24 **since completing your report? And I'm not talking about**

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1 **lawyers.**

2 A Oh, no, sir.

3 **Q This is more out of curiosity than anything,**

4 **Detective. But were you interested in what the results**

5 **were of this investigation that you participated in?**

6 A Probably not necessarily.

7 **Q Why not?**

8 A I -- I just -- I did what I was asked to do at

9 the time, and I went on to all my other cases at the time.

10 **Q Did you know how old Mr. Richardson was when he**

11 **died?**

12 A I don't think I did at the time, no, sir.

13 **Q Those are all the questions I have for you.**

14 **Thank you very much for coming down.**

15 MR. PREGON: We'll read.

16 - - -

17 (Signature not waived.)

18 - - -

19 And, thereupon, the deposition was concluded at

20 2:00 p.m.

21 - - -

22

23

24

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<div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>December 4, 2015</p><p>Dear Mr. Conley,</p><p>You have chosen to read and sign your transcript. Please do not mark on the transcript. Any corrections/changes you may desire to make in your testimony should be typewritten or printed on the errata sheet at the end of testimony, giving the page number, line number and desired correction/change. After you have read the transcript, sign your name on the correction sheet and where indicated at the close of testimony before a notary public.</p><p>The Rules of Civil Procedure allow thirty days for you to read and sign. Please return the signature page and errata sheet to Whitney Layne, 6723 Cooperstone Drive, Dublin, Ohio 43017 within that time. Failure to do so in the allotted time will result in your transcript being used as though read and signed by you.</p><p>Sincerely,</p><p>_____ Whitney Layne Professional Reporter</p><p>Cc: Nick DiCello Carrie Starts Jamey Pregon</p><p>Page 46</p></div>	
<div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>State of _____</p><p>County of _____</p><p>I, BRIAN CONLEY, do hereby certify that I have read the foregoing transcript of my deposition given on November 18, 2015; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.</p><p>_____ BRIAN CONLEY</p><p>I do hereby certify that the foregoing transcript of the deposition of BRIAN CONLEY was submitted to the witness for reading and signing; that after he had stated to the undersigned Notary Public that he had read and examined his deposition, he signed the same in my presence on the ____ day of _____, 2015.</p><p>_____ Notary Public</p><p>My Commission Expires on _____</p><p>- - -</p><p>Page 47</p></div>	

1 State of Ohio

2 County of MONTGOMERY

3 I, BRIAN CONLEY, do hereby certify that I have
4 read the foregoing transcript of my deposition given on
5 November 18, 2015; that together with the correction page
6 attached hereto noting changes in form or substance, if
7 any, it is true and correct.

8

9

BRIAN CONLEY

10 I do hereby certify that the foregoing transcript
11 of the deposition of BRIAN CONLEY was submitted to the
12 witness for reading and signing; that after he had stated
13 to the undersigned Notary Public that he had read and
14 examined his deposition, he signed the same in my presence
15 on the 11 day of December, 2015.

16

17

Notary Public

18

My Commission Expires on Sept. 2, 2019

19

20

21

22

23

24



1 TO THE REPORTER:

2 I have read the entire transcript of my deposition taken
3 on the 18 day of NOV, 2015, or the same has been
4 read to me. I request that the following changes be
5 entered upon the record for the reasons indicated.

6

7 Page Line Correction and reason therefore

8 26 1 I BELIEVE I SAID THE WORD "NOT"
9 BEFORE AROUND him VERY OFTEN.

10

11

12 29 16 "OR" BETWEEN THAT, PUT
13 IN MORE...

14

15

16

17

18

19

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23 Date 12-11-15 Signature 

24

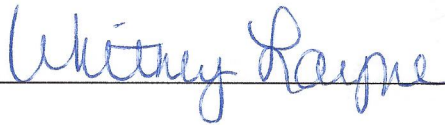
CERTIFICATE

State of Ohio :

County of Franklin:

I, Whitney Layne, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named BRIAN CONLEY was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotype in the presence of said witness; afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Dublin, Ohio, on this 4th day of Decemer, 2015.


Whitney Layne, Notary Public

In and for the State of Ohio

My Commission expires May 4, 2020

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